IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.3016 OF 2005
IN
SUIT NO.3310 OF 2002

Sachin Dattatraya More ..Plaintiff

Vs.

Shamika Milind Loke ..Defendant

Mr.J.S.Kini for the plaintiff

Mr.R.D.Dave i/b N.N.Vaishnava for the defendant

Mr.D.R.Dhurat, in charge Court Receiver present

CORAM : S.U.KAMDAR, J
DATED : 17TH OCTOBER, 2005

P.C.:

1. By consent of the parties, motion is placed on board for final hearing and called out.

2. Leave to amend. Amendment to be carried out within one week.

3. Delay in taking out Notice of Motion is condoned. I do not find any merits in setting aside the order dt.26.8.04. The only ground is that the Advocate for the defendant did not attend the matter because he was contesting the election

for M.M.C. Corporator and even did not file Vakalatnama. I find the defence raised is without any merits. There is no affidavit of advocate. In that view of the matter, motion is dismissed.